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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,937	03/24/2004	Alexander Serkh	004-005A	5173
26683 7590 05/13/2008 THE GATES CORPORATION IP LAW DEPT. 10-A3 1551 WEWATTA STREET DENVER, CO 80202				
EXAMINER				
CHARLES, MARCUS				
ART UNIT		PAPER NUMBER		
3682				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,937

Applicant(s)

SERKH, ALEXANDER

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 19-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the submission filed 2/13/2008, which has been entered.

Claims 1-40 are currently pending.

Election/Restrictions

1. Claims 1-8 and 18-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-30-2007.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inertia member in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicant must identify the inertia member in fig. 3.

Specification

3. The disclosure is objected to because of the following informalities: the specification does not provided any bas for a clutch unit mounted to a shaft and a one ways clutch mounted to a shaft as set forth in claims 9 and 13. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 13, line 4, the claim recite "a second shaft" but makes no reference to a first shaft. Therefore, it is not clear if there is a first shaft that is not recited. In claim 14, it is not clear as to what "inertia" member is being referred to.

In addition, the intended scope of the claims 9 and 13 is unclear and confusing because the claims makes reference to a clutch unit and a one way clutch and both the clutch unit and the one way clutch are mounted to a rotating shaft. Therefore, it is not clear as to what clutch unit the claims referring to because the disclosure clear discloses the drive unit comprises a clutch unit that comprises two clutch systems See page 4, lines 33-35).

Furthermore, it appears that independent claims 9 and 13 reads on two different embodiments. It is unclear as to how the limitations of the claims read on fig. 3. Applicant must show how the limitations read on fig. 3 or the claims that do not read on fig. 3 will be withdrawn by the examiner. Note claim 9 recite the clutch unit (as understood) is the electromagnetic clutch directly mounted on a rotating shaft and the one-way clutch is directly mounted the rotation shaft. Claims 13 recited each clutch is mounted to a separate shaft.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 13, as understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Adachi et al. (5,289,813). Adachi et al. disclose a dual belt drive comprising a clutch unit (30/15,32), The clutch unit comprising a first clutch assembly (30) mounted to a rotating shaft (22); a one way clutch (32) directly mounted to a rotating shaft (24); a Supper charger (10) is connected to the first clutch and the one way clutch (see fig. 2), each of the first clutch (30) and the one way clutch (15/32) operate to provide different speed ratios to the super charger and it is apparent that the clutch unit is engaged at engine speed via a crankshaft pulley (12).

In claim 16, Adachi et al. discloses the first clutch is an electromagnetic clutch (30).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14, 15 and 17, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al. in view of JP (11-280873). Adachi et al. disclose a dual belt drive comprising a clutch unit member above, but fails to disclose an inertia member and damping member. JP (11-280873) discloses a clutch pulley comprising a

rubber damper (85) and an inertia member (see 83). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify device of Adachi et al. so as to include an inertia member and damping member inertial member in view of JP (11-280873) in order to reduce vibration and an increase smooth rotation.

10. Claims 9, 11-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over M^crae (2,911,961) in view of JP (11-280873). In claims 9 and 11, M^crae discloses a dual belt drive comprising a first clutch assembly (35) mounted to a rotating shaft (43); a one way clutch (81-83) directly mounted to a rotating shaft (10), at a water pump (133) is connected to the first clutch and the one way clutch (see fig. 8), each of the first clutch (35) and the one way clutch (81-82) operate to provide different speed ratios to the water pump (133), and it is apparent that the clutch unit is engaged at engine speed. M^crae fails to disclose the inertia member and damping member. JP (11-280873) discloses a clutch pulley comprising a rubber damper (85) and an inertia member (see 83). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify device of M^crae so as to include an inertia member and damping member inertial member in view of JP (11-280873) in order to reduce vibration and an increase smooth rotation.

In claim 12, it is apparent that the first speed ratio is greater than the second speed ratio.

11. Claim 10, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over M^crae in view of JP (11-280873) as applied to claim 9 above, and

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further in view of JP (59-47528). The combination of M^crae and JP (11-280873) do not disclose the first clutch is an electromagnetic clutch. JP (59-47528) discloses an electromagnetic. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the clutch unit so that it is an electromagnet clutch in view of JP (59-47528) in order engagement and disengagement of the clutch.

Citation

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus Charles/
Marcus Charles
Primary Examiner, Art Unit 36827